



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,974	02/18/2004	Irene Babudri	2110-104-3	1037

7590 09/14/2006

GRAYBEAL JACKSON HALEY LLP
Suite. 350
155-108th Avenue N.E.
Bellevue, WA 98004-5973

EXAMINER

PEUGH, BRIAN R

ART UNIT PAPER NUMBER

2187

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,974	Applicant(s) BABUDRI ET AL.	
	Examiner Brian R. Peugh	Art Unit 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to applicant's amendment dated 07/10/2006 with the following results.
2. No claims has been added or canceled. Therefore, claims 1-20 remain pending in this application.

Response to Arguments

3. Applicant's arguments filed on 07/10/2006 have been fully considered but they are not persuasive.

Applicant arguments with respect to AAPA not satisfying the limitation of claim 1 is not persuasive. Lee clearly discloses a memory having a plurality of storage area (sectors) and each area having a flag elements associated with it (protection bits) which are user configurable and allow/deny access to the memory by the user. The protection bits can be set or reset by the user (removable). What Lee's reference is missing is to be able to make one of the protection bits to be non-removable. AAPA discloses concepts of a one time programmable register, wherein the register can be programmed by the user once and after being programmed it can not be altered with (non-removable). Therefore, the rejection of the claims deemed to be proper.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4, 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent No. 5,930,826) in view of Applicant Admitted Prior Art (AAPA).

As per claims 1-2, Lee discloses a memory comprising: at least one data storage area comprising a plurality of data storage locations; an access circuitry for accessing the data storage locations for retrieving or altering a data content thereof; and at least one first user-configurable flag element and a second user-configurable flag element associated with said storage area, the first and second flag elements being used to define a protected state of the data storage area against alteration of the content of the data storage locations thereof, the protected state defined by the at least one first flag element being user-removable [memory array 10 is divided into a plurality of sectors 80, the protection information of each memory sector is stored in the protection bit array 11 which comprises ERS-bit, PGM-bit and RD-bit for indicating the protection states, when a program is requested, the protection bit is checked, and user determine if a sector should be protected (column 1, line 39 through column 4, line 48)].

Lee discloses the claimed invention, but fails to specifically teach that the protected state defined by the second flag element being permanent and non-removable.

AAPA teaches a flash memory having a one time programmable protection register which once is programmed, it can not be reprogrammed **[page 1, paragraph 7]**.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the current invention to use the concepts of one time programmable register as being taught by AAPA into Lee's memory array in order to provide fraud protection and increasing the security of the device.

As for claim 4, Lee teaches that the at least one first flag element comprises a non-volatile programmable and erasable storage element, and the second flag element comprises a one-time programmable non-volatile storage element **[flash memory]**.

As for claims 6-7, Lee discloses that said at least one storage area comprises at least two storage areas, and in which for each of said at least two storage areas a respective first and second user-configurable flag elements are provided **[sectors 80 and protection bit array]**.

As for claim 8, Lee discloses means for conditioning the configuring of said first and second flag elements by the user on the recognition of the user by the memory **[user determine if a sector should be protected]**.

As for claims 9-20, claims 9-20 encompass the same scope of the invention as those of claims 1-2, 4, and 6-8. Therefore, claims 9-20 are rejected for the same reasons as stated above with respect to claims 1-2, 4, and 6-8.

Allowable Subject Matter

6. Claims 3, and 5 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

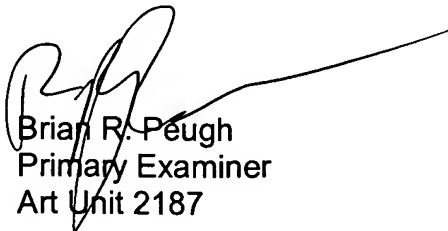
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is (571) 272-4199. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brian R. Peugh
Primary Examiner
Art Unit 2187